D.B.CIVIL WRIT PETITION NO. 8995/2006

Satya Giri
v.
State of Rajasthan & anr.

Date of order : 09.03.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ
. . .

Shri Pushpendra Pal Singh for the petitioner
Shri R.S.Rathore, Addl. Advocate General.

This writ petition has been filed as a public interest litigation challenging the clause of the examination form which requires the candidate of the Other Backward Classes (OBC) to submit the certificate of income of the candidate's father. The clause lays down that income certificate on the basis of income of the husband will not be accepted.

The case of the petitioner is that she hails from State of Haryana but is married in the State of Rajasthan. In the State of Haryana the caste to which the petitioner belongs is not included in the list of OBC, but it is so included in the list in the State of Rajasthan, and therefore the requirement of certificate in respect of father's income is arbitrary and uncalled for.

We have reservations about maintainability of this writ petition as a public interest litigation. However, we have looked

into the question of validity of the clause, and we find nothing obnoxious therein. The object of the requirement to file income certificate is to identify the 'creamy layer' section amongst the OBCs which obviously is to be determined on the basis of family background. That is why the candidates are required to produce the certificate of father's income rather than husband's income. We find nothing arbitrary or illegal in the clause to warrant interference by this Court.

The writ petition is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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